



City of Seattle

Seattle Police Department

8/28/2013

Phil Mocek
Muckrock
P.O. Box 55819
Boston, MA 02205

RE: Public Disclosure Appeal #P2013 – 1550

Dear Mr. Mocek,

The Seattle Police Department (SPD) has completed the administrative review of your appeal dated August 8, 2013 of your public disclosure request dated April 25, 2013. In your correspondence you state that you appeal as Mr. O'Neill is a public employee.

Guild President O'Neill's writings for The Guardian do not come within the definition of a "public record" contained in the PRA because they were not "prepared, owned, used, or retained by any state or local agency. (RCW 42.56.010(3)). O'Neill's writings were prepared in connection with his role as the president of SPOG, not as an employee of SPD. SPD does not own or retain The Guardian because it is distributed to individual members of SPOG at their residential addresses. The Guardian is the publication of SPOG, it is not used for any governmental purpose. " West v. Thurston County, 168 Wn.App. 162, 275 P.3d 1200 (2012) (holding that attorney fee invoices of a county's insurer-appointed defense counsel did not meet the PRA's definition of public records).

Moreover, forcing the Guild's president to produce his writings as requested would potentially constitute an unfair labor practice by the City. RCW 41.56.140

This correspondence closes your appeal with SPD.

Sincerely,

Jim Pugel
Chief of Police

Bonnie Voegele
Manager
Records File Unit